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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,288	07/23/2001	Brian J. Berdan	114289-1640	2875
30734	7590	03/10/2006	EXAMINER KIM, CHONG HWA	
BAKER & HOSTETLER LLP WASHINGTON SQUARE, SUITE 1100 1050 CONNECTICUT AVE. N.W. WASHINGTON, DC 20036-5304			ART UNIT 3682	PAPER NUMBER

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/911,288

Applicant(s)

BERDAN ET AL.

Examiner

Chong H. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7-12,14-16,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-12,14-16,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the restricting means being configured to be retained along a surface of the outer end face in abutting contact with the restricting device as recited in claims 1 and 16; the restricting device being a pin as recited in claim 7; and the engaged view of the first and second elongated members as recited in claim 1, 9, and 16 so that the restricting means of the second elongated member has a width that is narrower than the width of the second end of the first elongated member as recited in claim 2 and so that the restricting means of the second elongated member restricts the second end of the first elongated member from fully passing through the second elongated member as recited in claims 3 and 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-11, 14-16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Boome et al., U.S. Patent 4,582,298.

Boome et al. shows, in Fig. 1, an extensible handle comprising:

a first elongated member 22 having a first end (lower portion) and a second end (near ref. No. 46), the first end of the first elongated member being positioned to engage a device to be operated, wherein the first end of the first elongated member has a reduced width relative to an expanded portion of the second end of the first elongated member;

the first elongated member further comprising at least one receptacle (the groove formed for element 46, or 36 and/or 34) for receiving a restricting device 46 or 30 through a side surface of the first elongated member;

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a hollow second elongated member 24, 44 having a first end (upper portion) and a second end (lower portion of 44), the second elongated member being positioned to receive the first elongated member;

wherein the restricting device retains the first elongated member in abutting contact with the second elongated member;

wherein the first end of the hollow second elongated member has a reduced width relative to the second end of the second elongated member;

wherein the sizing of the second end of the first elongated portion and the first end of the second elongated member prevents the second end of the first elongated member from passing thorough the first end of the second elongated member;

wherein the hollow second elongated member further includes a restricting means (the lip portion at the lower end of 44) that has a width that is narrower than the width (the width of the element 46) of the second end of the first elongated member;

wherein the restricting means restricts the second end of the first elongated member from fully through both ends of the second elongated member;

wherein the elongated members are comprised of metal;

wherein activation of the handle by a user activates a jacking device or dolly;

wherein the restricting device comprises a pin 30;

wherein the second elongated member further comprises at least two receptacles 36, 34 for receiving the restricting device 30; and

furthermore, the handle is used for an apparatus (boat or winch) for moving an item (sail sheet) comprising a base 10; a supporting member (any frame of the boat that holds the mast or

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headsail); an arm (any movable mast or sail frames) having two ends, the arm positioned so that one end is pivotally related to the supporting member and the other end is pivotally related to the base; and a lifting means 12.

4. Claims 9-12, 14, 16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gill, U.S. Patent 5,381,707.

Gill shows, in Figs. 4-10, an apparatus 50 for moving an item comprising:

a base (lower portion in Fig. 10); a supporting member (upper portion) positioned above the base; an arm (disposed between the base and the support member) having two ends, the arm positioned so that one end is pivotally related to the supporting member and the other end is pivotally related to the base; a lifting means (mechanism inside 50); and wherein activation of the handle by a user activates the lifting means, which in turn activates the arm and vertically moves the supporting member;

an extensible handle comprising;

a first elongated member 20 having a first end 22 and second end 23, the first end being constructed and arranged to be received into a device to be operated;

the first elongated member further comprising at least one receptacle 26 for receiving a restricting device 32 through a side surface of the first elongated member;

a hollow second elongated member (other 20) having a first end 23 and a second end 22 wherein the first end has an outer end face, the second elongated member positioned to telescopically receive the second end of the first elongated member and further including a means (the reduced inner diameter portion of 22) for restricting the first elongated member from

fully passing through both ends of the second elongated member, wherein, in order to prohibit movement in an axial direction;

wherein the sizing of the second end of the first elongated portion and the first end of the second elongated member prevents the second end of the first elongated member from passing through the first end of the second elongated member;

wherein the first elongated member further includes a means (as shown in Fig. 4 where 22 is connected to 25) for securing the first elongated member to a device to be operated; and

wherein at least one of the first elongated member and the second elongated member is comprised of at least the metal.

### ***Response to Arguments***

5. Applicant's arguments, see Remarks/Arguments, filed Feb 8, 2006, with respect to the rejection(s) of claim(s) 1-5, 7-12, 14-16, 19, and 20 under 35 USC 112 first paragraph have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Boome et al. and Gill.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Extensible handles with limits.

Morrison, U.S. Patent 1,558,114

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Pfauser et al., U.S. Patent 2,520,652

Broadhurst, Jr., U.S. Patent 3,338,607

Clarys et al., U.S. Patent 5,823,067

Barbieri, U.S. Patent 6,267,161 B1

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (571) 272-7108. The examiner can normally be reached on Monday - Friday; 6:00 - 2:00.

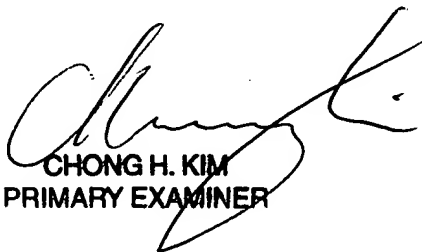


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

chk  
March 7, 2006



CHONG H. KIM  
PRIMARY EXAMINER